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## UNITED STATES BANKRUPTCY COURT

## EASTERN DISTRICT OF CALIFORNIA

## SACRAMENTO DIVISION

In re:

RUSSELL WAYNE LESTER, an  
individual, dba Dixon Ridge Farms,

Debtor.

CASE NO.: 20-24123

Chapter 11

DCN: FWP-1

**[NO HEARING REQUIRED]****APPLICATION FOR ORDER MODIFYING LOCAL RULE 9014-1(d) TO ALLOW  
OMNIBUS PLEADINGS RESPECTING FIRST DAY MOTIONS**

Russell Wayne Lester, an individual, dba Dixon Ridge Farms, and the Debtor and Debtor in Possession ("Dixon Ridge Farms" or "Mr. Lester") in the above-referenced case, hereby moves the Court for an Order modifying Local Rule 9014-1(d) with respect to the following defined first day motions (the "First Day Motions") as follows:

**REQUEST FOR RELIEF**

Mr. Lester respectfully requests that the Court authorize him to file an Omnibus Notice of Emergency Hearings for all the First Day Motions, an Omnibus Declaration in support of all the First Day Motions, and an Omnibus Application for Order Shortening Time with related documents for the following described First Day Motions:

1 A. (FWP-2) Debtor's Emergency Motion for an Order (A) Authorizing Interim and  
2 Final Use of Cash Collateral; (B) Granting Replacement Liens; and (C) Scheduling Final Hearing  
3 Pursuant to Bankruptcy Rule 4001;

4 B. (FWP-3) Debtor's Emergency Motion for Authority to Pay Prepetition Wages,  
5 Compensation and Employee Benefits, and for Related Relief;

6 C. (FWP-4) Debtor's Emergency Motion for Order (A) Prohibiting the Pacific Gas  
7 and Electric Company from Altering, Refusing or Discontinuing Service, and (B) Determining  
8 Adequate Assurance of Payment for Post-petition Utility Services Under 11 U.S.C. § 366;

9 D. (FWP-5) Motion for Order (I) Authorizing and Approving Continued Use of  
10 Existing Cash Management System, (II) Authorizing Use of Pre-Petition Bank Accounts and  
11 Business Forms, and (III) Waiving the Requirements of 11 U.S.C. § 345(b); and

12 E. (FWP-6) Motion for Order to approve the Turnover of Funds Held by Receiver  
13 Subject to a Reasonable Reserve for Future Fee Applications.

#### 14 CASE BACKGROUND

15 1. On August 27, 2020, Russell Wayne Lester, an individual, dba Dixon Ridge Farms  
16 filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

17 2. Mr. Lester and his wife purchased their first ranch in Winters, CA, in 1979 and  
18 established Dixon Ridge Farms shortly thereafter. Dixon Ridge Farms processes, farms and sells  
19 wholesale organic walnuts, as well as purchases and processes walnuts from other growers in  
20 Northern California.

21 3. Dixon Ridge Farms' farm consists of approximately 1,400 acres with secured debt  
22 Prudential Insurance Company of America ("Prudential") of approximately \$14 million, and First  
23 Northern Bank of approximately \$9.2 million.

24 4. In addition to the real property, Dixon Ridge Farms process organic walnuts at his  
25 68 acre Putah Creek Property which contains multiple large metal buildings, including two  
26 freezer buildings totaling 24,000 square feet (over half an acre) of freezers, which are used to  
27 preserve the quality of the organic walnuts and to eliminate the need for chemicals for pest  
28 abatement.

6. Multiple factors contributed to Mr. Lester's need to file this Chapter 11 bankruptcy case including but not limited to a 2017 warehouse building fire, an oversupply of organic walnuts, the Covid-19 pandemic, and the trade war tariffs.

7. The First Day Motions are the standard first day requests for relief, and all documents will be served on the same parties in interest. Authorizing the modification of the local rules to allow limited omnibus pleadings will significantly reduce repetitive filings and services required (e.g., four applications for order shortening time), will avoid unnecessary repetition in multiple pleadings and, as such, the omnibus pleadings will be more understandable for the creditors and parties in interest review and understand.

9. Modifying Local Rule 9014-1(d) to allow the filing of an Omnibus Notice of Emergency Hearings for all the First Day Motions, an Omnibus Declaration in support of all the First Day Motions, and an Omnibus Application for Order Shortening Time with related documents is reasonable and will benefit the Court, creditors, and parties in interest.

WHEREFORE, Mr. Lester respectfully requests the Court enter an order granting the relief requested herein and including the following specific modification of Local Rule 9014(d):

APPLICATION FOR ORDER MODIFYING  
LOCAL RULE 9014-1(d) TO ALLOW OMNIBUS  
PLEADINGS FOR FIRST DAY MOTIONS

1 Notice of Emergency Hearings for all the First Day Motions, the Omnibus Declaration in support  
2 of all the First Day Motions, and the Omnibus Application for Order Shortening Time; and

3 2. Granting such other relief as is just and appropriate in the circumstances.

4 Date: August 28, 2020

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6 By: /s/ Thomas A. Willoughby  
7 Thomas A. Willoughby  
8 Proposed Attorneys for Russell Wayne Lester  
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